In re Application of

GUY THOMAS CARTER
JASON ARNOLD LOTVIN
LEONARD ALEXANDER MCDONALD

Application No. 10/713,881
Filed: November 14, 2003

Art Unit 1623
Examiner Elli Peselev

ANTIBIOTICS AA-896

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I r:

AFFI D A V I T UNDER 37 C.F.R. SECTION 1.132

STATE OF NEW YORK )
COUNTY OF ROCKLAND )

Valerie S. Bernan, residing at 350 Phillips Hill Road, New City, New York 10956 being duly sworn deposes and says:

THAT she is trained in Microbiology, Microbial Physiology and Molecular Biology, having received the degree of Doctor of Philosophy in Microbiology from Georgetown University, Washington, DC in 1986, and has done postdoctoral training at Northeastern University, Boston, MA between 1986 and 1988, under an NIH-sponsored fellowship.

THAT she is currently employed as a Principal Research Microbiologist by Wyeth Research, Pearl River, New York. She has been employed in the capacity of a research microbiologist at Wyeth (previously Lederle/American Cyanamid), since 1988. She has a total of more than 20 years of experience working in this field.

THAT she has read and is familiar with the above-identified application for United States Letters Patent and with the Office Action thereto, mailed April 26, 2005.

THAT in her laboratories at the aforesaid medical Research Division, Pearl River, New York that:

The *Streptomyces* species LL-AA896 , ATCC 31666, and NRRL 12067 were taxonomically compared using a molecular systematic method 16S rDNA sequence analysis.

The results of this test are presented in attached Exhibit 1.

Exhibit 1 is a phylogenetic tree depicting the comparison of the isolates by 16S rDNA sequence. *Streptomyces* species LL-AA896, ATCC 31666, and NRRL 12067 are

compared to the most closely related type strains identified by a BLASTN 2.2.2 analysis from the GenBank database.

That the above results show that:

The molecular systematic evidence provided by the I6S rDNA sequence analysis testifies that the LL-AA896 is readily distinguishable from *Streptomyces* spp. ATCC 31666 and NRRL 12067. The phylogenetic tree constructed with the 16S rDNA sequences, clearly demonstrates that *Streptomyces* spp. NRRL 12067, ATCC 31666, and LL-AA896 are distinct species from each other and not taxonomically related.

Further deponent sayeth not.

Valerie S. Bernan

Sworn to and subscribed before me this 22nd day of October, 2005.

NOTARY PUBLIC

DANIEL B. MORAN
Notary Public, State of New York
No. 01MO4944023
Qualified in Rockland County
Commission Expires Nov. 14, 2006

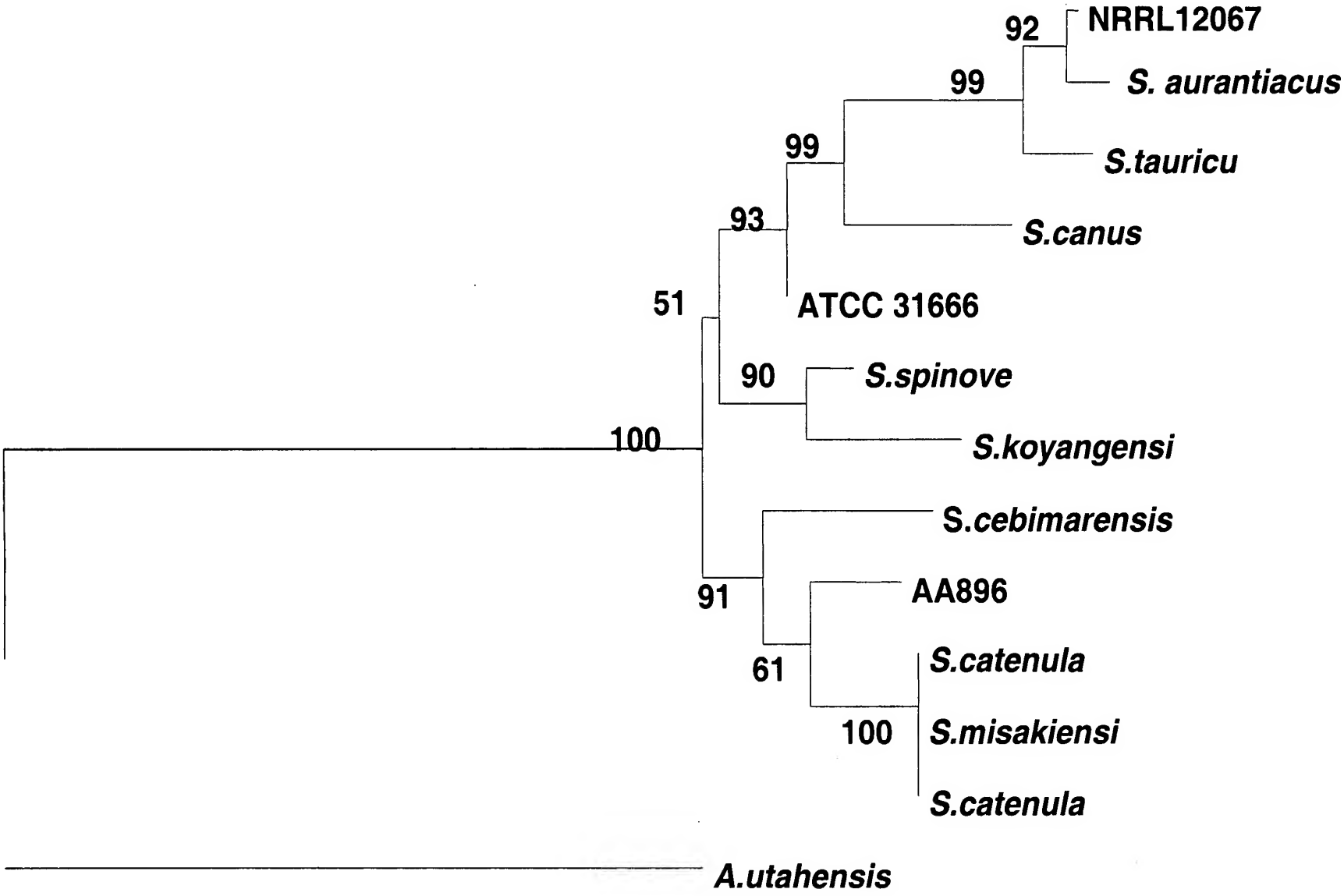
92
NRRL12067
99
S. aurantiacus
99
S.tauricu
93
S.canus
51
ATCC 31666
90
S.spinove
100
S.koyangensi
S.cebimarensis
91
AA896
61
S.catenula
100
S.misakiensi
S.catenula
A.utahensis

Exhibit 1